

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

TERI G. GALARDI ,

Debtor.

JACK E. GALARDI, JR. AND
EMELITA P. SY, as the TRUSTEE of the)
JACK E. GALARDI, JR. SUB-TRUST,

Plaintiffs,

v.

TERI G. GALARDI,

Defendant.

**TERI GALARDI'S BRIEF IN REPLY TO PLAINTIFFS' RESPONSE TO
DEFENDANT'S RENEWED MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR COURT TO ABSTAIN**

Plaintiffs Response to Defendant's Renewed Motion to Dismiss or in the Alternative Motion for Court to Abstain [Docket No. 40] (the "Response") asserts that the debts listed in Teri's petition for the Note and the assumed mortgage obligations do not arise out of her alleged breach of fiduciary duty. Response at 2. But there are no facts that support that Teri, as Trustee or individually, committed a fraud or incurred such debts with any willful and malicious intent. Complaint passim. All the allegations relate to her alleged breach of fiduciary duties to Jack Jr; that is the Plaintiffs complain how the JEG Family Trust assets were distributed in 2014, and because of that such claims are time barred pursuant to Nevada law.

Plaintiffs also relate facts in their Response that Jack Jr was not equal to Teri and that there was an imbalance of power. Response at 3-4. Teri is and remains Jack Jr.'s sister and notwithstanding counsel's claims in the Response, she acted according to the JEG Family Trust and in the best interest of Jack Jr. The question in this case, if counsel for Jack Jr. believes or knows that Jack Jr. has any mental deficiency, then in whose best interest is his counsel acting in pursuing these claims? As noted in prior briefs, Plaintiffs' counsel in this case is not Jack Jr.'s first counsel.

Teri disputes that Jack Jr made any claims of breach of fiduciary duty in the Nevada Probate proceeding prior to the January 12, 2021 Petition for Recovery of Assets from Teri Galardi, Co-Beneficiary of the JEG Trust. Teri's response filed in March 2021 raised the statute of limitations defense. Teri has not waived the defense.

Teri stands by her prior briefs, arguments and citations to authority filed in this matter.

I. CONCLUSION

WHEREFORE, for all the forgoing reasons, Defendant respectfully requests that the Court dismiss the Complaint or, in the alternative, abstain from adjudication.

Respectfully submitted,

MCBRYAN, LLC

/s/Louis G. McBryan

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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing **TERI GALARDI'S BRIEF IN REPLY TO PLAINTIFFS' RESPONSE TO DEFENDANT'S RENEWED MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO ABSTAIN** using the Court's CM/ECF filing system which sends a notice of and an accompanying link to the following parties in this case under the Bankruptcy Court's Electronic Case Filing Program:

The following parties were served by electronic notice:

William Russell Geer wgeer@geerlawgroup.com, notices@nextchapterbk.com;
willgeer@ecf.courtdrive.com
Garrett A. Nail gnail@pgnlaw.com

This 15th day of February 2023.

Respectfully submitted,

MCBRYAN, LLC

/s/Louis G. McBryan

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